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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,818	12/01/2003	Robert Beach	022.0118C1(SBL00612 C01)	3623
80558	7590	11/10/2010	EXAMINER	
INGRASSIA FISHER & LORENZ, P.C. (Symbol) 7010 E. COCHISE ROAD SCOTTSDALE, AZ 85253-1406			AGA, SORI A	
		ART UNIT	PAPER NUMBER	
		2476		
		NOTIFICATION DATE	DELIVERY MODE	
		11/10/2010	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ifllaw.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/725,818	BEACH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SORI A. AGA	2476	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 August 2010.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 27-38 is/are pending in the application.  
 4a) Of the above claim(s) 29-32 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 27,28 and 33-38 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/02/2010, 08/02/2010</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/31/2010 has been entered.
2. Applicant has not amended and/or cancelled any claims with the submission. Claims 29-32 are withdrawn from consideration. Therefore, claims 27, 28 and 33-38 remain pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27, 28, 33, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rypinski (US PAT 5,461,627) (herein after Rypinski) in view of Feder et al. (US PGPUB 2002/0089958 A1) (herein after Feder).

***Regarding claim 27, Rypinski teaches a wireless local area network system [see fig. 5 and column 6 lines 46-51 where a radio system including a hub controller and access***

**points communicating with mobile stations is shown. See also column 19 line 37-38 where the radio system is described as a wireless LAN-local area network]**

comprising: an access point configured to associate with [see column 13 lines 5-10 **where each station is associated with the correct Access-point**] and communicate data packets to one or more mobile units using a wireless data communication standard protocol [see column 12 lines 12-23 **where the system including the Access Points uses Access protocol for the radio system**], and

a switching hub connected to the access point via a wired network connection [see column 5 lines 30-35 **where a hub controller (switching hub) common to many Access-points is connected to the access points using telephone pairs (wired network connection)**], wherein the switching hub includes a routing list correlating the mobile units to associated access points [see column 13 lines 5-10 **where each station (mobile unit) is associated with the correct Access-point and in the directory maintained by the system in the Hub Controller. See also column 24 10-35 where the directory is further discussed**], and is configured to selectively route the data packets to the access point if the mobile unit destination address corresponds to one of the access point's associated mobile units, such that the access point acts as a conduit between the switching hub and the mobile units without monitoring the mobile unit destination address within the data packets [see column 15 lines 19-30 **where a message from outside the network or from any station within the network is transmitted and where the Hub Controller sends the message from the appropriate Access-point and the message is heard by the addressed Station - See also claim 14**].

However, Rypinski does not explicitly teach the data packets each include a mobile unit destination address. However, Feder, in the same field of endeavor teaches a transmitted Ethernet frame includes MAC user end system (mobile unit) as Destination Address and/or a source address [**See table-4 in paragraph 0320**]. It would have been obvious for a person having ordinary skill in the art to include the destination addresses in the packets. This is desirable because it allows for proper forwarding of the packet/s to the intended recipient based on the address included in the packet.

***Regarding claim 28***, Rypinski teaches the wireless local area network system of claim 27 as discussed above. However, Rypinski does not explicitly teach the access point is connected to the switching hub via an Ethernet connection. However, Feder in the same field of endeavor teaches a switching hub that is connected to access points via a wired Ethernet connection [**see paragraph 0079**]. It would have been obvious for a person having ordinary skill in the art to use Ethernet connection. Ethernet is desirable because of its simplicity to use and its flexibility.

***Regarding claim 33***, Rypinski teaches the wireless local area network system of claim 27, wherein the access point includes a connector jack configured to be directly received by a socket provided in a surface, wherein the socket is communicatively coupled to the switching hub, and wherein the connector jack provides structural support for the access point with respect to the surface [**see fig. 3A and column 5 lines 26-40 where the Access Point is shown to be ceiling (surface) mounted (jack) and where the radio**

**(socket) also supports the antenna; and where telephone pairs are connected to a switching hub (communicatively coupled)].**

*Regarding claim 36*, Rypinski teaches the wireless local area network system of claim 27, wherein the switching hub is configured to interface with a wired local area network [see column 6 line 67-column 7 line 2 where the hub controller is linked to (interfaces with) outside networks including PSTN and LANs].

*Regarding claim 37*, Rypinski teaches the wireless local area network system of claim 27, wherein the routing list is populated at the time that the mobile units are associated with the access point [see column 13 lines 5-14 where stations are associated with Access points in the directory once the stations are registered (at the time that the mobile units are associated with the access point)].

5. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rypinski and Feder as applied to claims 27, 28, 33, 36 and 37 above, and further in view of Meir (US PAT 6,701,361) (herein after Meir).

*Regarding claim 34*, Rypinski teaches the wireless local area network system of claim 27 as discussed above. However, Rypinski does not explicitly teach the access point is further configured to prevent the relaying of predetermined types of data packets. However, Meir, in the same field of endeavor teaches using filters to prevent forwarding

of router advertisement packet with a broadcast or multicast Ethernet address [see column 10 lines 29-45]. It would have been obvious for a person having ordinary skill in the art to prevent the relaying of predetermined types of data packets. This is desirable because it allows for preventing unwanted frames from being forwarded that would otherwise use system resources unnecessarily.

***Regarding claim 35***, Rypinski teaches the wireless local area network system of claim 34 as discussed above. However, Rypinski does not explicitly teach the predetermined types of data packets includes router broadcast messages. However, Meir, in the same field of endeavor teaches using filters to prevent forwarding of router advertisement packet with a broadcast or multicast Ethernet address [see column 10 lines 29-45]. It would have been obvious for a person having ordinary skill in the art to prevent the relaying router broadcast messages. This is desirable because it allows for preventing unwanted frames from being forwarded that would otherwise use system resources unnecessarily.

**6.** Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rypinski as applied to claims 27, 28, 33, 36 and 37 above, and further in view of Heiman et al. (US PAT 6,859,134) (herein after Heiman).

***Regarding claim 38***, Rypinski teaches the wireless local area network system of claim 27 as discussed above. However, Rypinski does not explicitly teach the wireless data communication standard protocol is an IEEE 802.11 protocol. However, Heiman in the same field of endeavor teaches a wireless system with a central computer (hub)

connected to a plurality of access points conforming to the 802.11 protocol [see column 4 lines 7-11]. It would have been obvious for a person having ordinary skill in the art to adopt IEEE802.11 functionality in Rypinski's system. A person having ordinary skill in the art would readily appreciate advantages of adopting 802.11 such as the ability for interoperability with devices that are built into the Wifi standard regardless of manufacturer/brand.

***Response to Arguments***

7. Applicant's arguments filed 08/31/2010 have been fully considered but they are not persuasive.
8. Examiner respectfully disagrees with the applicant's assertion that "while Rypinski mentions IEEE 802.11 standard briefly...it is not a wireless data communication standard protocol.." (see page 5 first paragraph of applicant's remarks). First, it should be noted that Rypinski explicitly suggests the use of access protocols as discussed above regarding claim 1 (see also column 12 lines 13-15; and column 4 line 47). The claim language does not exclude the use of methods that are not part of a protocol but rather only requires that the access point uses a wireless data standard protocol. Independent claim 1 does not require 802.11. Therefore, the showing of a wireless protocol meets the limitations recited in claim 1. (note that claim 38 recites 802.11 and another prior art, namely Heiman is shown as disclosing the standard).
9. In response to the applicant's argument that the recited "association" in the claims is not the same as the recitation in the Rypinski reference (see applicant's remarks page 5 second paragraph), it should be noted that the term "association" is not defined by the claim, the

specification does not provide a clear explanation of the term ‘association’. In the absence of an express intent to impart a novel meaning to the terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art [MPEP 2111.01].

In addition, it should be noted that the suggested definition does not have basis in the claim language. Applicant has suggested that the term "association" in the claim should be read in the "802.11 sense". First Claim 1 does not recite IEEE 802.11. Therefore, the context that would suggest such interpretation is not present in claim 1.

10. In response to the applicant’s argument that the recited “association” in the claims is not the same as the recited “registration” in the Rypinski reference (see applicant’s remarks page 5 third paragraph), it should be noted that the term “association” is not defined by the claim, the specification does not provide a clear explanation of the term ‘association’. In the absence of an express intent to impart a novel meaning to the terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art [MPEP 2111.01].

In addition, it should be noted that the suggested definition does not have basis in the claim language. Applicant has suggested that the term "association" in the claim should be read in the "802.11 sense". First Claim 1 does not recite IEEE 802.11. Therefore, the context that would suggest such interpretation is not present in claim 1.

11. In response to the applicant’s remarks regarding the Feder reference (see applicant’s remarks page 5 fifth paragraph), it should be noted that the Feder reference was not relied upon for teaching access points that act as “conduits”. Rypinski teaches the access points as claimed

(see rejection above regarding claim 1). Therefore, the argument with respect to the Federal reference is moot.

In conclusion, it is noted that the applicant's remarks effectively show the difference between the prior art used in the final rejection and the invention disclosed by the whole disclosure of the current application (specification and drawings). However, Applicant's arguments do not successfully point out the patentable novelty disclosed by the claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SORI A. AGA whose telephone number is (571)270-1868. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A. A./  
Examiner, Art Unit 2476

/Salman Ahmed/  
Primary Examiner, Art Unit 2476